

Steven Carlson (CA Bar No. 206451)
Elvira Belle Borovik (CA Bar No. 338821)
Li Zhu (CA Bar No. 302210)
Robins Kaplan LLP
555 Twin Dolphins Drive
Suite 310
Redwood City CA 94065
Telephone: (650) 784-4040
Fax: (650) 784-4041

Attorneys for Plaintiff Fizz Social Corp.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FIZZ SOCIAL CORP.,

Plaintiff,

vs.

MAPLEBEAR, INC., d/b/a/ INSTACART;
PARTIFUL CO., and DOES 1-20, inclusive,

Defendants.

Case No. 3:25-cv-03995-CRB

JOINT STIPULATION AND
~~PROPOSED~~ ORDER VACATING
DEADLINES AND TAKING MOTIONS
OFF CALENDAR FOLLOWING NOTICE
OF SETTLEMENT

Courtroom: 6, 17th Floor
Judge: Hon. Charles R. Breyer

Pursuant to Civil Local Rule 6-1(a), Plaintiff Fizz Social Corp., (“Plaintiff”) and Defendants Maplebear, Inc., d/b/a Instacart (“Instacart”) and Partiful, Co. (“Partiful”) (collectively “the Parties”) hereby agree and jointly stipulate as follows:

WHEREAS, on August 7, 2025, Plaintiff filed the First Amended Complaint (ECF 67);

WHEREAS, on September 4, 2025, Defendant Instacart and Defendant Partiful respectively filed two Motions to Dismiss the First Amended Complaint (the “Motions”) in the above-captioned case (ECF 71 & 72);

WHEREAS, on September 17, the parties filed a Joint Motion to Extend Time for Motion to Dismiss Responses and Replies and to Continue the Hearing Date (“September 17 Motion”) (ECF 73);

WHEREAS, on September 18, 2025, the Court granted the Parties’ September 17 Motion, extending Plaintiff’s deadline to oppose Defendants’ Motions to October 29, 2025, and Defendants’ reply deadline to November 12, 2025 (ECF 74);

WHEREAS, on October 29, 2025, the Parties have reached a settlement in principle and are finalizing a written agreement;

WHEREAS, the Parties respectfully request that the Court vacate all currently scheduled hearing dates and deadlines, including Plaintiff’s October 29, 2025 deadline to file a response to the Motions;

NOW, THEREFORE, in light of the settlement, the parties jointly notify the Court and stipulate that:

(a) all currently scheduled hearing dates and deadlines are vacated;

(b) the pending motions to dismiss are taken off calendar as moot;

(c) Plaintiff is relieved of any obligation to file an opposition to the Motions on October 29, 2025; and

(d) the Parties will file a stipulation of dismissal under Fed. R. Civ. P.

41(a)(1)(A)(ii) no later than December 3, 2025 (35 days from today), or, if

dismissal papers are not yet on file, a short joint status report on that date.

//

IT IS SO STIPULATED.

Dated: October 30, 2025

Respectfully submitted,

ROBINS KAPLAN LLP

By: /s/ Steven Carlson

Steven Carlson
Elvira Belle Borovik
Li Zhu

Attorneys for Plaintiff
FIZZ SOCIAL CORP.

Dated: OCTOBER 30, 2025

KEKER, VAN NEST & PETERS LLP

By: /s/ David Silbert

David Silbert
Sharif E. Jacob
Taylor Reeves
Natalie R. Heim
Eleanor F. Brock
Raisa M. Cramer

Attorneys for Defendant
MAPLEBEAR, INC.

Dated: October 30, 2025

KWUN BHANSALI LAZARUS LLP

By: /s/ Kate E. Lazarus

Asim M. Bhansali
Kate E. Lazarus
Amy Le

Attorneys for Defendant
PARTIFUL CO.

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: October 30, 2025

By: /s/ Steven C. Carlson

STEVEN C. CARLSON

[PROPOSED] ORDER

Pursuant to the parties' Stipulation, and good cause appearing, the Court orders the following:

1. All currently scheduled hearing dates and deadlines in this action are VACATED.
2. Defendants' Motions (ECF Nos. 71 & 72) are TAKEN OFF CALENDAR as moot in light of the Parties' settlement in principle.
3. Plaintiff is relieved of any obligation to file an opposition to the Motions on October 29, 2025; the prior extension order is superseded to that extent.
4. The Parties will file a stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) no later than December 3, 2025, or, if dismissal papers are not yet on file by that date, a short joint status report.

IT IS SO ORDERED.

Dated: October 3, 2025


HONORABLE CHARLES R. BREYER
Judge of the United States District Court